

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIMA JALLOH,

Defendant.

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DECISION AND ORDER

19-MJ-4098

20-MR-6113

Defense counsel moved for a mental competency examination of the defendant pursuant to 18 U.S.C. § 4241(a). The Government did not oppose the motion. United States Magistrate Judge Marian W. Payson ordered the defendant to undergo a psychiatric examination.

Defendant was committed to the Metropolitan Correctional Center in New York where he underwent a full competency evaluation. A lengthy and thorough report (Dkt. #20 in 19-MJ-4098) was submitted to the Court. The conclusion was that the defendant did not suffer from any mental disease or defect, and that he was competent to stand trial.

Counsel appeared before Magistrate Judge Payson advising that they did not object to the competency findings and neither side requested a hearing.

Thereafter, Magistrate Judge Payson issued a Report and Recommendation (Dkt. #48 in 19-MJ-4098) adopting the thorough psychiatric report and recommending that this Court determine the defendant, Brima Jalloh, to be competent to stand trial.

The time within which to file objections to the Report and Recommendation have lapsed and this Court has received no objections to the Magistrate Judge's Report and Recommendation finding the defendant competent to stand trial.

### CONCLUSION

I accept and adopt the Report and Recommendation (Dkt. #48 in 19-MJ-4098; Dkt. #1 in 20-MR-6113) of United States Magistrate Judge Marian W. Payson. I have reviewed the psychiatric report (Dkt. #20 in 19-MJ-4098) and I concur with the Magistrate Judge and the parties that there is no basis to challenge the report's findings that the defendant is indeed competent to stand trial. Therefore, I concur with the report and find that the defendant does not suffer from any mental disease or defect, and that he is competent to stand trial and to assist his court-appointed counsel.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 27, 2020.